

APPLICANT(S): ORR, Michael et al.  
SERIAL NO.: 09/788,545  
FILED: February 21, 2001  
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### REMARKS

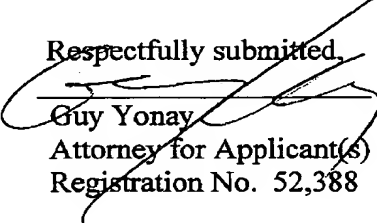
In the Notice of Non Compliant Amendment, the Examiner asserted that the Amendment document filed on July 21, 2004 was considered non-compliant because it failed to meet the requirements of 37 CFR 1.121 as amended on June 30, 2003 in that the status identifier of Claim 10 was incorrect. In order for the Amendment to be compliant correction of the following is required:

- I. A complete listing of all the claims.
- II. The listing of claims should include the text of all claims.
- III. Each claim should be provided with the proper status identifier.

In response Applicants have resubmitted the Claims section of the Amendment document in its entirety. The present Amendment is intended to be fully responsive to all points of the Notice of Non Compliant Amendment raised by the Examiner. Applicants respectfully assert that no new matter has been added.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,

  
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Attorney for Applicant(s)  
Registration No. 52,388

Dated: November 14, 2004

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,545	02/21/2001	Michael Orr	P-3059-US	5618
27130	7590	09/23/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			BRANCOLINI, JOHN R.	
			ART UNIT	PAPER NUMBER
			2153	

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DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/788,545  
Art Unit: 2153

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**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on August 2, 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 *Fed. Reg.* 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be resubmitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other: \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other: \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(e)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

The filed amendment is considered non-compliant due to claim 10 lacking an appropriate status identifier. Claim 10 is labeled [Previously presented], however the text of the claim seems to be amended. All claims must include an appropriate status identifier in order for an amendment to comply with 37 CFR 1.121.

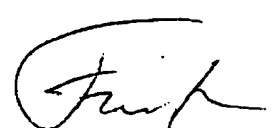
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JRB

  
FRANTZ B. JEAN  
PRIMARY EXAMINER